

**MAGISTRATE JUDGE NEWBERN COURTROOM MINUTES FOR CRIMINAL PROCEEDINGS  
by VIDEOCONFERENCE**

U.S.A. v. Riccardo Spagni, No. 3:21-mj-4149

ATTORNEY FOR GOVERNMENT: Joe Montminy

ATTORNEY FOR DEFENDANT: Jonathan Farmer, Brian Klein, & Melissa Meister ☐ AFD ☐ Panel ☒ Retained

PRETRIAL SERVICES/PROBATION OFFICER: \_\_\_\_\_

INTERPRETER NEEDED? ☐ YES ☒ NO LANGUAGE/INTERPRETER: \_\_\_\_\_  
☐ PRESENT ☐ TELEPHONE ☐ VIDEO

☒ Defendant consents appear to before the Magistrate Judge by video conference.

☐ INITIAL APPEARANCE ☐ ON A SUMMONS ☐ ARRESTED ON: \_\_\_\_\_

DEFENDANT HAS A COPY OF:

- ☐ Complaint ☐ Indictment ☐ Information ☐ Supervised Release Pet. ☐ Other \_\_\_\_\_
- ☐ Defendant advised of the charges and the maximum penalties ☐ Defendant has a copy of notice of rights
- ☐ Defendant advised of right to counsel ☐ Counsel retained
- ☐ Defendant sworn and/or certified under penalty of perjury and financial affidavit filed ☐ FPD Appointed
- ☐ Defendant advised of right to silence
- ☐ Defendant advised of right to **Consular notification**
- ☐ GOVERNMENT and DEFENDANT advised of Due Process Protections Act of 2020
- ☐ Defendant advised of right to preliminary hearing ☐ Defendant waived preliminary hearing
- ☐ Government motion for detention ☐ Defendant temporarily detained
- ☐ Defendant waived detention hearing ☐ ICE detainer on defendant
- ☐ Defendant reserved right to hearing in future ☐ Defendant to be returned to State custody
- ☐ Defendant to remain in Federal custody ☐ Defendant waived rights under IAD
- ☐ Defendant to remain on current conditions of supervised release
- ☐ Defendant ordered to psychological/psychiatric evaluation
- ☐ Defendant released on:
- ☐ Own recognizance with conditions of release ☐ standard ☐ special
- ☐ Appearance bond in the amount of: \_\_\_\_\_
- ☐ Property bond [description of property]: \_\_\_\_\_
- ☐ **RULE 5** - Defendant advised of right to identity hearing ☐ Defendant waived identity hearing
- ☐ **RULE 5** - Defendant reserved right to have preliminary hearing in District of Prosecution
- ☐ **RULE 5** - Defendant elected to have detention hearing in District of Prosecution
- ☐ **RULE 5** - DEFENDANT ADVISED OF RIGHT TO RULE 20 TRANSFER

☐ PRELIMINARY/DETENTION/ARRAIGNMENT CONTINUED TO: \_\_\_\_\_

☐ GRAND JURY WAIVED IN OPEN COURT [Defendant sworn and advised of rights by Court]

☐ ARRAIGNMENT

- ☐ Defendant acknowledges he/she has copy of Indictment/Information ☐ Court advised Def. of penalties
- ☐ Defendant waives reading thereof ☐ Indictment/Information read to defendant by Judge
- PLEA: ☐ GUILTY ☐ NOT GUILTY ☐ Defendant intends to plead guilty and case referred to DJ

**DATE:** May 25, 2022 **TOTAL TIME:** 16 minutes  
**BEGIN TIME:** 11:01 a.m. **END TIME:** 11:17 a.m.  
☒ **Digitally Recorded** ☐ **Court Reporter:** \_\_\_\_\_

☐ **RULE 5 IDENTITY HEARING**

- ☐ Held, defendant found to be person named in warrant  
☐ Held, defendant found NOT to be person named in warrant and released  
☐ Waived in open Court

☐ **PRELIMINARY HEARING****CONTINUED TO:** \_\_\_\_\_

- ☐ Probable Cause found/Held to answer/bound over ☐ Discharged from custody  
☐ Defendant waived preliminary hearing  
☐ RULE 5 - Held to answer in District of Prosecution  
☐ RULE 5 - Defendant reserved right to have hearing in District of Prosecution

☐ **DETENTION HEARING****CONTINUED TO:** \_\_\_\_\_

- ☐ Government withdrew motion for detention or agreed to release  
☐ Pretrial Services Report made a part of the record ☐ Counsel moved to retain copy of PTSR/granted  
☐ Bond set at: \_\_\_\_\_ ☐ Defendant released on [date]: \_\_\_\_\_  
☐ RULE 5 - Defendant elected to have hearing in District of Prosecution  
☐ Defendant waived detention hearing ☐ Defendant reserved right to hearing in future  
☐ Defendant detained, order to enter ☐ ICE detainer pending  
☐ Defendant to remain in Federal custody ☐ Defendant to be returned to State custody  
☐ Government moved for stay of execution of release pending appeal  
☐ Motion granted ☐ Motion denied  
☐ Defendant advised of right to appeal

☐ **ARRAIGNMENT ON MISDEMEANOR**

- ☐ Defendant acknowledges he/she has copy of Indictment/Information  
☐ Indictment/Information read to defendant by Judge ☐ Defendant waives reading thereof  
**PLEA:** ☐ **GUILTY** ☐ **NOT GUILTY**  
☐ Misdemeanor - defendant consented to trial before Magistrate Judge  
☐ Written plea agreement/filed in open Court ☐ Oral plea agreement  
☐ Guilty plea: ☐ Accepted ☐ Rejected ☐ Taken under advisement

☒ **OTHER**☒ Type of hearing and outcome: Extradition Hearing☐ **DEFENDANT DID NOT APPEAR AS DIRECTED, BENCH WARRANT ISSUED****NOTES/EVIDENTIARY MATTERS/SENTENCING:** (Witnesses, Exhibits, Attach W/Ex List if necessary)

Mr. Spagni waived his right to an extradition hearing and will surrender to the Marshal's Office the eve of the South African representatives departing South Africa to effectuate his arrest. Transfer tentatively set to occur within 30 to 45 days.

Defendants second motion for temporary release of passport is granted  
Defendants motion to strike re 49 is denied as moot.